

Call to Order:

The meeting was called to order at 7:42 pm. Present were Chairman, Paul Salafia, and members, Linn Anderson, Vincent Chiozzi, Selena Goldberg, John McDonnell (arrived at 8:40 pm), and associate member Joan Duff; also present were Senior Planner, Lisa Schwarz, and Planner, Jacki Byerley.

Town Meeting 2009 Warrant Articles:

The Board took up the discussion on the street acceptance warrant article P-34.

Avella Circle:

Ms. Byerley reviewed her memo to the Board dated February 19, 2009 and noted that staff is recommending that Avella Circle not be laid out because the necessary easements have not been received. Ms. Byerley noted that the developer of Avella Circle is still responsible for the maintenance of the development. The Board questioned if securing an easement has been a problem in the past and if the town has ever taken an easement for consideration. Ms. Byerley noted that the developer conveyed the lot without reserving the easement and he is in the process of trying to obtain the easement. Town Counsel, Thomas Urbelis, stated that if the town takes an easement you have to compensate at fair market value. The Board questioned how they could prevent this problem in the future. Attorney Urbelis suggest the Board add a condition not to release the lot until easement has been reserved. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to recommend to the Board of Selectmen that Avella Circle not be laid out at the March 16, 2009 Selectmen's meeting. **Vote** Unanimous (4-0)

Granli Drive:

Ms. Byerley reviewed her memo to the Board dated February 19, 2009 and noted that easements are necessary before the street can be taken by eminent domain. Ms. Byerley noted that DPW has sent two requests to the residents of Granli Drive and they have not received the easements. Attorney Urbelis noted the document is straight forward for the banks to sign off on the easement. Mr. Chiozzi noted that DPW just sent residents the legal document for their signature without any reasoning why the easement is necessary and no plans were provided. The Board discussed the easement and how the street could be accepted without an easement. Attorney Urbelis noted that the Board would have to modify the subdivision and there was probably a reason why the easements were put on the plan in the first place. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to take no action on street acceptance of Granli Drive. **Vote** (4-0-1) Mr. Salafia, Ms. Anderson, and Ms. Goldberg voting yes; and Mr. Chiozzi abstained.

ACC Lane, Canterbury St., (portion), Cormiers Way, & Trevino Cir. and Black Horse Ln.:

Ms. Byerley reviewed her memo to the Board dated February 19, 2009 and a memo from Town Counsel to the Board dated February 24, 2009 outlining the issues with the above mentioned streets. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to take no action on the street ACC L., Canterbury St., (portion), Cormiers Way and Trevino Circle (portion). **Vote** Unanimous (5-0)

John Sarkis the developer of Black Horse Lane discussed street acceptance with the Board including the Board's conditions of approval concerning parcel X to be conveyed to an abutter, AVIS, or Conservation Commission. Mr. Sarkis noted that he brought the development with the condition in place and noted that he does not have a contract with a neighbor to purchase parcel

ACC Lane, Canterbury St., (portion), Cormiers Way, & Trevino Cir. and Black Horse Ln.(cont.):

X, AVIS does not want the parcel and its' not near Conservation land. The Board noted they would look into the original approval for parcel X. Attorney Urbelis noted that parcel X is not the only issue with Black Horse Lane; DPW has a punch list that needs to be completed, and a Certificate of Compliance needs to be issued from DEP and the Conservation Commission. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to postpone making a recommendation on the Street Acceptance for Black Horse Lane until March 10, 2009. **Vote** Unanimous (5-0)

Barron Court:

On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted to forward a favorable recommendation to the Board of Selectmen that the street Barron Court be laid out at the March 16, 2009 Selectmen's meeting. **Vote** Unanimous (5-0)

Fun Flight Circle and West Hollow:

On a motion by Ms Anderson seconded by Ms. Goldberg the Board voted to forward a favorable recommend to the Board of Selectmen regarding warrant articles P-35 and P-38 to accept Fun Flight Circle and West Hollow as public ways and the authorization of the Board of Selectmen to acquire by eminent domain, gift, purchase or otherwise, any fee, easement or other interest and to award no damages for the eminent domain takings. **Vote** Unanimous (5-0)

Granli Drive Easements-Petition to the General Court:

On a motion by Ms. Anderson seconded by Ms. Goldberg the board voted to forward a favorable recommendation to the Board of Selectmen regarding warrant article P-37 to petition the General Court to allow the Conservation Commission to grant easements over the Open Space parcels within the subdivision known as Granli Drive. **Vote** Unanimous (5-0)

Amend Section 5.2. Signs; Section 10.0 Definition of A Frame Sign; & Customary Home Occupation:

The Board opened the public hearings on the Design Review Board sponsored warrant articles to amend section 5.2. Signs; Section 10.0 Definition of "A Frame Signs" & Customary Home Occupation. Ms. Schwarz reviewed her memo to the Board dated February 19, 2009 which included the text of the existing sign bylaw, the proposed warrant article and the accessory amendments to keep the zoning bylaw consistent. Ms. Schwarz also reviewed a chart outlining and comparing the existing bylaw to the proposed bylaw. Ann Constantine, Chair of the Design Review Board, gave an overview of the bylaw and the revisions to the bylaw that will be resubmitted since the town warrant has reopened. Attorney Urbelis noted that the Design Review Board will submit a new warrant article and the Planning Board will have to hold a new public hearing on the new submission. He also stated they should review what is being proposed so any amendments can be included with the new submission. The Board reviewed the proposed warrant article and amendments including the size of a sign in residential districts and Vincent Chiozzi questioned if the size of the sign should be determined from the distance to the roadway in residential zones. Ms. Constantine noted that the Design Review Board would not want large signs than the proposed 4 s.f. on residential properties by right, however if a homeowner wants a larger sign, they can obtain a Special Permit for a sign larger than 4 s.f. from the Zoning Board

of **Amend Section 5.2. Signs; Section 10.0 Definition of A Frame Sign; & Customary Home Occupation (cont.):**

Appeals. . The Board discussed temporary signs and the definition of open space. Ms. Schwarz read the new definition of open space that will be included in the new warrant. Abby O'Hara, a resident noted that a setback to signs from the distance to a roadway is not an issue because freestanding signs are an option. Ms. Byerley reviewed the amendments to Section 10.0 Customary Home Occupation. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to close the public hearings and take no action. **Vote** Unanimous (5-0); it should be noted Mr. McDonnell arrived during the discussion on the sign bylaw. **Vote** Unanimous (5-0)

Amend Section 8.1. Watershed Protection Overlay District:

The Board opened the public hearing on the proposed warrant article to amend section 8.1. Watershed Protection Overlay District submitted by the Board of Health. Thomas Carbone, Director of Public Health noted the Board of Health submitted the warrant article on behalf of the Fish Brook Watershed Advisory Committee. Mr. Zipeto a member of the Fish Brook Watershed Advisory Committee reviewed his previous meeting to the Board and noted he submitted the final warrant article which included comments from the Board. Mr. Carbone noted that they will be making an amendment to the article in to Section 8.1.11. enforcement by changing "Planning Board" to the "Inspector of Buildings" and noted the Board will have to hold another public hearing. Mr. Zipeto noted the amendment is intended to provide an update to hazard waste, enforcement and to protect the Haggetts Pond water supply. Ms. Duff questioned Section 8.1.11 Enforcement (d) add "per day" after \$300.00. The Board discussed permitted uses in section 8.1.6. Mr. Carbone review a map showing the 400' setback (zone I). Mr. Zipeto reviewed the Water Protection Overlay District, Zone I and noted they are trying to be consistent with the state guidelines. Mr. McDonnell questioned the inspection requirement of septic systems within Zone I and asked if the Board of Health has spoken with the homeowners in that zone. Mr. Carbone noted that about thirty-five (35) properties may be affected with this bylaw and would need a Title V inspection every five (5) years. The inspection is to ensure the system is functioning properly and not leaching into the watershed. Mr. Carbone noted that even though a system does not comply with Title V if it is functionally properly it does not have to be fixed. However if the system fails the Board of Health would give them an order to repair the system. Mr. McDonnell expressed concern that residents might not have the funds available to repair the system. Mr. Carbone noted that some banks offer low interest loans for failed Title V systems. On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to close the public hearing on the proposed warrant article to amend section 8.1. Watershed Protection Overlay District and take no action. **Vote** Unanimous (5-0)

The Legends – Phase II Modification:

The Board took up the deliberation on an application by CA Investment Trust for a modification of a previously approved Special Permit for New Multi-Family Attached Cluster entitled The Legends Phase II. The modification will change the layout of the development and add an additional unit. On a motion by Ms. Anderson seconded by Ms. Goldberg the Board voted that the modification of The Legends Phase II be approved subject to the 26 conditions referenced in Mr. Materazzo's memo dated February 3, 2009. The Legends Phase II was originally approved by the Planning Board under Special Permit SP06-08 for a new Multi-Family Dwelling Construction - Attached Cluster in 2007 Approval of this modification would allow the applicant to increase the distance between buildings 14 & 15 and 11 & 12, and would change

The Legends – Phase II Modification:

the orientation of buildings 10, 11, 12, 14 & 15 in the development. Approval would also allow the addition of one unit for a total of 28 Units. **Vote** Unanimous (5-0); it should be noted Mr. McDonnell did not vote on the Legends Phase II Modification.

Adjournment: The Board voted to adjourn the meeting at 9:24 p.m.